

Notice of Allowability	Application No.	Applicant(s)	
	09/684,215	SKEIKY ET AL.	
	Examiner	Art Unit	
	Samuel W. Liu	1653	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 8/16/04, 10/18/04 & 2/24/04.
2. ☒ The allowed claim(s) is/are 1-6, 10, 11, 13-16, 27, 28 and 31-40.
3. ☒ The drawings filed on 04 March 2003 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

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DETAILED ACTION

Applicants' amendments filed 8/16/04 has been entered in the Office action mailed 10/18/04. Note that the pending claims set forth in the applicants' amendment (after final) filed 4/13/04 are identical to those in the amendment filed 10/18/04, and that claims 7-9, 12, 17-26 and 30 are canceled by the applicants' amendment filed 3/4/03, and claim 29 is canceled by the applicants' amendment filed 2/24/04. Thus, the pending claims 1-6, 10-11, 13-16, 27-28 and 31-40 are examined in this Office action.

It is of note that the applicants' request (filed 4/13/05) extension of time for three months has been entered.

EXAMINER'S AMENDMENT

An Examiner's Amendment to the record appears below. Should the change and/or additions be unacceptable to Applicant, an amendment may be filed as provided by 37 C.F.R. § 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than payment of the Issue Fee.

Amendments to the specification:

On page 3, line 21, change "Figure 1 illustrates" to "Figure 1 A and B illustrate".

On page 3, line 28, change "Figure 4 illustrates" to "Figure 4 A, B and C illustrate".

The following is an **Examiner's Statement of Reasons for Allowance**: In light of that Wang et al. patent (US Pat. No. 6509448) is not a 102(e) anticipatory art over the current invention because the 102(e) rejection in the Office action (final) mailed 10/18/04 relies upon the provisional application 60158585 of which the current application claims benefit. Hence, the rejections under 35 USC 102(e) and 103(a) (*both the 102 and 103 rejections are based upon the Wang's patent*) in the Office action fall. In addition, the provisional rejection-obviousness type double patenting for claim 1-2, 11 and 14-15 of the current application over Application No. 09780669 is withdrawn, since the amendment filed 12/22/04 for 09780669 has canceled claims 1-17. The pending claims 1-6, 10-11, 13-16, 27-28 and 31-40 are, therefore, allowable over the art of record.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Samuel Wei Liu whose telephone number is 571-272-0949. The examiner can normally be reached from 9:00 a.m. to 5:00 p.m. on weekdays. If attempts to reach

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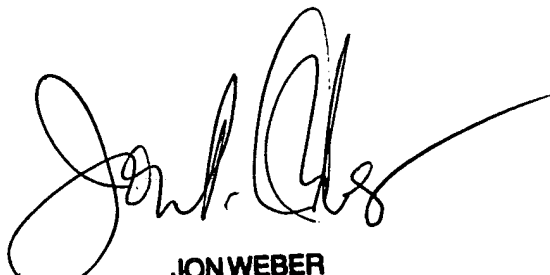
the examiner by telephone are unsuccessful, the examiner's supervisor, Jon Weber, can be reached on (571) 272-0925. The fax phone number for the organization where this application or proceeding is assigned is (703) 308-4242 or (703) 872-9306 (official) or (703) 872-9307 (after final). Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.



Samuel W. Liu, Ph.D.

Patent Examiner, AU 1653

June 1, 2005



JON WEBER
SUPERVISORY PATENT EXAMINER